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10 Berry Farming Company, LLC a California limited
11 liability company

12 **UNITED STATES BANKRUPTCY COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15 In re) CASE NO.: 15-51771
16)
17) Chapter 11
18)
19 SANTA CRUZ BERRY FARMING) Courtroom: 3070
20 COMPANY, LLC, a California limited)
21 liability company) **APPLICATION FOR ORDER**
22 Debtor-In-Possession.) **DESIGNATING RESPONSIBLE**
23) **INDIVIDUAL**
24)
25)
26)
27)
28)

29 **TO THE HONORABLE M. ELAINE HAMMOND, UNITED STATES**
30 **BANKRUPTCY JUDGE; THE OFFICE OF THE UNITED STATES TRUSTEE; ALL**
31 **OTHER INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:**

32 Santa Cruz Berry Farming Company, LLC, debtor and debtor-in-possession in the above
33 captioned Chapter 11 case ("Debtor"), hereby submits this Application, pursuant to Rule 4002-1(a)
34 of the Local Bankruptcy Rules for the Northern District of California, for an order designating
35 Robert Fritz Koontz as the individual responsible for the duties and obligations of the Debtor as
36 debtor-in-possession. In support of this Application, the Debtor respectfully represents:
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1 1. On May 25, 2015, Debtor filed a voluntary petition for relief under Chapter 11 of
2 the Bankruptcy Code.

3 2. Shining Hsu has been appointed as trustee, and the Debtor continues to manage its
4 assets in accordance with sections 1107 and 1108 of the Bankruptcy Code.

5 3. Effective upon entry of the order for relief, the Debtor appointed Robert Fritz
6 Koontz ("Koontz") as its Manager and Responsible Individual.

7 4. The Debtor requests that Koontz be designated as the individual responsible for the
8 duties and obligations of the debtor-in-possession. The full name, address, telephone number, and
9 position of Koontz are as follows: Robert Fritz Koontz, 116 Martinelli Street, Suite 8, Watsonville,
10 CA 95077; title: Manager

11 5. Koontz was appointed by the Debtor on July 7, 2015, after the filing of the
12 voluntary petition. Koontz is familiar with the Debtor's assets and operations, and is competent to
13 perform the duties and obligations of the debtor-in-possession.

14 WHEREFORE, the Debtors request that Koontz be designated as the individual
15 responsible for performing the duties and obligations of the Debtor as debtor-in-possession during
16 the pendency of this Chapter 11 case subject to further orders of this Court.

17
18 DATED: July 9, 2015

THOMAS VOGELE & ASSOCIATES, APC

19
20 By: /s/ Thomas Voge
21 Thomas A. Voge
22 Brendan M. Loper
23 Attorneys for debtor-in-possession Santa Cruz
24 Berry Farming Company, LLC
25
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
3199 Airport Loop Drive, Suite A3, Costa Mesa, California 92626

A true and correct copy of the foregoing document described **APPLICATION FOR ORDER DESIGNATING RESPONSIBLE INDIVIDUAL** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On 7/9/2015 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

- United States Trustee (SJ) USTPRegion17.SJ.ECF@usdoj.gov, ltroxas@hotmail.com
- Thomas A Vogele on behalf of Debtor tvogele@tvalaw.com
- Effie F. Anastassiou on behalf of Creditor California Coastal Rural Development Corp. and K&M Enterprises, LLC effieesq@salinasaglaw.com; paralegal@salinasaglaw.com
- Joseph M. Welch on behalf of creditor Tom Lange jwelch@buchalter.com; dcyrankowski@buchalter.com
- William Brody on behalf of creditor Tom Lange wbrody@buchalter.com
- Thomas J. Polis on behalf of Debtor Santa Cruz Berry Farming Company, LLC tom@polis-law.com, paralegal@polis-law.com
- Michael A. Sweet on behalf of Creditor Committee Official Committee of Unsecured Creditors msweet@foxrothschild.com, mflores@foxrothschild.com

☐ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On 7/9/2015 I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 7/9/2015, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

7/9/15

/s/ Angela Brown

VIA OVERNITE EXPRESS

Judge M. Elaine Hammond
United States Bankruptcy Court
Northern District of California
United States Courthouse, Room 3035
280 South First Street
San Jose, CA 95113-3099

VIA EMAIL

Armando Ramirez
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Watsonville, CA 95076
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Internal Revenue Service
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VIA US MAIL

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Famous Software
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Fresno, CA 93711

Fenton & Keller
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Monterey, CA 93942

Nationwide Agribusiness Ins.
c/o McSherry & Hudson
PO BOX 2690
Watsonville, CA 95077

Pacific Gas and Electric Company

In re: SANTA CRUZ FARMING COMPANY, LLC
Debtor(s).

CHAPTER: 11

CASE NUMBER: 15-51771

PO BOX 8329
Stockton, CA 95208
Pajaro Valley Water Management
36 Brennan St
Watsonville, CA 95076

RDO Water, LLC
10108 Riverford Road
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Richard Jon Gurnee, Switzer Trust,
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